

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 05-81E
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES E. WHITLEY, JR., and)	
CHARITY A. WHITLEY,)	
)	
Defendants.)	

MOTION FOR ALTERNATIVE SERVICE
FOR DEFENDANT, CHARITY A. WHITLEY

AND NOW, comes the United States of America, by and through its attorneys, Jones, Gregg, Creehan & Gerace, LLP, and files the following Motion for Alternative Service pursuant to Federal Rule of Civil Procedure 4(e):

1. The instant lawsuit was filed on March 14, 2005. On that same date, the United States mailed a copy of the Complaint in Mortgage Foreclosure and for Deficiency Judgment, the Notice of Lawsuit and Request for Waiver of Service of Summons and the Waiver of Service of Summons to Charity A. Whitley pursuant to F.R.C.P.4(d).

2. On or about March 21, 2005, the United States Postal Service returned the package marked "no mail receptacle."

3. On or about March 23, 2005, Plaintiff sent an Address Information Request to the Franklin, Pennsylvania, Postmaster to ascertain whether Defendant, Charity A. Whitley still resided at the 219 Rocca Way address. The postmaster provided Plaintiff

with a new address for Defendant, Charity A. Whitley, of 962 Two Mile Run Road, Franklin, Pennsylvania 16323. A true and correct copy of the Address Information Request is attached hereto as Exhibit "A."

4. The United States Marshals Service then attempted to serve the Defendant personally at the 962 Two Mile Run Road address. Attempts were made to serve her on April 8, 2005 and May 4, 2005, but, as indicated by the Marshals Return of Service, the attempts were unsuccessful. A true and correct copy of the Return of Service is attached hereto as Exhibit "B."

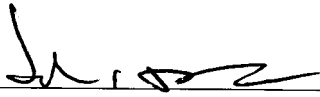
5. Based upon the facts set forth above, it is believed and therefore averred, that the Defendant, Charity A. Whitley, is avoiding service. Pursuant to F.R.C.P. 4(e)(1), the United States seeks an Order of Court permitting it to serve Defendant in accordance with Pa.R.C.P. 410(c)(2) and 430.

WHEREFORE, the United States requests that an Order be entered permitting it to serve Defendant by posting a copy of the original process on the most public part of the property as permitted by Pa.R.C.P. 410(c)(2).

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

By: _____


John P. Davis, III
PA ID No. 33294

411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
412-261-6400
Attorney for Plaintiff.